

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ST. CLAIR COUNTY EMPLOYEES')	Civil Action No. 3:18-cv-00988
RETIREMENT SYSTEM, Individually and on)	
Behalf of All Others Similarly Situated,)	<u>CLASS ACTION</u>
)	
Plaintiff,)	District Judge William L. Campbell, Jr.
)	Magistrate Judge Alistair E. Newbern
vs.)	
)	MOTION FOR LEAVE TO FILE UNDER
ACADIA HEALTHCARE COMPANY, INC.,)	SEAL
et al.,)	
)	
Defendants.)	
)	
)	

Pursuant to Rules 5.03 and 7.01 of the Civil Local Rules of Court (“L.R.”) and Section 5.07 of Administrative Order No. 167-1, Lead Plaintiffs Chicago & Vicinity Laborers’ District Council Pension Fund and New York Hotel Trades Council and Hotel Association of New York City, Inc. Pension Fund (collectively, “Plaintiffs”) hereby move the Court for leave to file under seal an unredacted version of Plaintiffs’ Reply in Support of Plaintiffs’ Motion for Sanctions Under Federal Rule of Civil Procedure 37(e) for Defendants’ Spoliation of ESI (the “Sanctions Reply”), filed contemporaneously herewith.

Under the Stipulated Protective Order (ECF 76) (the “Protective Order”), Plaintiffs are required to “make redactions or take whatever reasonable steps are necessary to prevent publicly disclosing” information that is designated as Confidential. Protective Order at 13. The Sanctions Reply contains information designated as Confidential under the Protective Order by Defendants. Plaintiffs, therefore, move the Court for leave to file the Sanctions Reply under seal even though Plaintiffs believe there is no basis for the document to remain under seal. *See* L.R. 5.03(d).

Plaintiffs do not believe grounds exist to overcome the “‘strong presumption in favor of openness as to court records.’” *Alyn v. S. Land Co., LLC*, 2016 WL 5126735, at *2 (M.D. Tenn. Sept. 20, 2016) (quoting *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016)). “Generally, ‘only trade secrets, information covered by a recognized privilege (such as the attorney-client privilege), and information required by statute to be maintained in confidence (such as the name of a minor victim of a sexual assault), is typically enough to overcome the presumption of [public] access.’” *Lee v. Asurian Ins. Servs., Inc.*, 206 F. Supp. 3d 1307, 1308-09 (M.D. Tenn. 2016) (quoting *Rudd Equip. Co., Inc. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589, 594-95 (6th Cir. 2016)). Indeed, “‘in class actions – where by definition some members of the public are also parties to the case – the standards for denying public access to the court record should be applied with particular strictness.’” *Strougo v. Tivity Health, Inc.*, 2022 WL 4180945, at *3 (M.D. Tenn. Aug. 18, 2022) (citations omitted).

Under these circumstances, while the Protective Order requires Plaintiffs to move for the Sanctions Reply to be filed under seal, the burden is on Defendants to demonstrate “compelling reasons” for the Sanctions Reply to remain under seal. L.R. 5.03(c)-(d). “[T]he party who designated the materials as confidential” must demonstrate “that the sealing is narrowly tailored to the stated reasons by specifically analyzing in detail, document by document, the propriety of secrecy, providing supporting facts and legal authority” in order for the Sanctions Reply to remain under seal. *Id.*

DATED: May 16, 2025

ROBBINS GELLER RUDMAN & DOWD LLP
JERRY E. MARTIN, #20193
CHRISTOPHER M. WOOD, #032977

s/ Christopher M. Wood
CHRISTOPHER M. WOOD

200 31st Avenue North
Nashville, TN 37203
Telephone: 615/244-2203
615/252-3798 (fax)
jmartin@rgrdlaw.com
cwood@rgrdlaw.com

ROBBINS GELLER RUDMAN & DOWD LLP
DARREN J. ROBBINS
SAM S. SHELDON (admitted *pro hac vice*)
DARRYL J. ALVARADO (admitted *pro hac vice*)
J. MARCO JANOSKI GRAY (admitted *pro hac vice*)
TING H. LIU (admitted *pro hac vice*)
T. ALEX B. FOLKERTH (admitted *pro hac vice*)
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
darrenr@rgrdlaw.com
ssheldon@rgrdlaw.com
dalvarado@rgrdlaw.com
mjanoski@rgrdlaw.com
tliu@rgrdlaw.com
afolkerth@rgrdlaw.com

Class Counsel

DOWD, BLOCH, BENNETT, CERVONE,
AUERBACH & YOKICH
JUSTIN J. LANNOYE
8 South Michigan Avenue, 19th Floor
Chicago, IL 60603
Telephone: 312/372-1361
312/372-6599 (fax)
jlannoye@laboradvocates.com

Counsel for Chicago & Vicinity Laborers' District
Council Pension Fund

PITTA LLP
MICHAEL BAUMAN
120 Broadway, 28th Floor
New York, NY 10271
Telephone: 212/652-3890
212/652-3891 (fax)
mbauman@pittalaw.com

Counsel for New York Hotel Trades Council & Hotel
Association of New York City, Inc. Pension Fund